IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.245 OF 2000.

The State of Maharashtra : Appellants.

versus

Smt.Barkibai Balaram Bhagat

& ors. : Respondents.

Mr.S.N.Gawade, AGP, for the State.

Mr.S.G.Surana for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 19th APRIL 2005.

ORAL ORDER

1. Heard the learned AGP for the State and the advocate for the respondents. This appeal is filed by the State against the judgment of the Reference Court dated 6th March 1996 enhancing the compensation to Rs.35/- per sq.mtr. Both the learned AGP and the advocate for the respondents agree that the judgment dated 16th March 2000 in First Appeal No.875/1985 and ors. of the Division Bench (comprising Justice A.P.Shah and Justice J.A.Patil) should apply to this case,

because the land in this case is acquired from Panvel for which the Division Bench of this Court in the aforesaid Judgment has awarded compensation at Rs.25/- per sq.mtr. depending upon the distance of the acquired land from the Bombay Pune National Highway. In the present case the acquired land is situated at the distance of 200 sq.mtr. from the Bombay Pune Highway. Therefore, following the aforesaid judgment of the Division Bench of this Court, the compensation has to be fixed at Rs.25/- per sq.mtr. Hence the order :-

:ORDER:

The appeal is partly allowed.

The compensation awarded by the Reference Court to the claimants is reduced to Rs.25/- per sq.mtr.

Consequential benefits to stand proportionately reduced.

No order as to costs.

[D.G.DESHPANDE]

19/04/2005 JUDGE.